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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**ORIGINAL**

**INFORMATION REQUEST**  
**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

APR 2 2012

ConAgra Foods, Inc.  
Colleen Batcheler, Executive Vice-President, General Counsel  
One ConAgra Drive, CC-334  
Omaha, NE 68102

**Re: Sauer Dump Site, also known as the Cove Road Dump, and the Lynhurst Road Dump, Dundalk (Baltimore County), Maryland**

Dear Ms. Batcheler:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning a release, or the threat of release, of hazardous substances, pollutants or contaminants into the environment at the Sauer Dump Site ("Site").

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9604(e), EPA has the authority to require ConAgra Foods, Inc. (hereinafter "you") to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. Section 9601(33), which were transported to, stored, treated, or disposed of at the above-referenced Site.

CERCLA Section 104 authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001. The information that you provide may be used by EPA in administrative, civil, or criminal proceedings.

Instructions for responding to this required submission of information are provided below.

**INSTRUCTIONS**

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure 1, Business Confidentiality Claims/Disclosure to EPA Contractors & Grantees of Your Response. You must clearly mark such information by either stamping

or using any other form of notice that such information is trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

2. Please provide a separate, detailed narrative response to each question, and to each subpart of a question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate by the number of the specific question(s) or subpart of the question(s) to which it responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure 2, Definitions, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure 2. Those terms shall have the meaning set forth in Enclosure 2 any time such terms are used in this Information Request and/or its Enclosures.

### QUESTIONS

Please provide the following information:

1. What is the current nature of your activity? What was the nature of your activity during the period 1960 to 1990? Please describe in detail if the nature of your activity changed from the period 1960 to 1990. Please provide a detailed explanation of the changes to date.
2. EPA has obtained information during the course of its investigation indicating that Farboil may have produced waste which was disposed of at the Site, and/or disposed of waste at the Site referenced in this letter. Please provide the following information regarding all wastes and by-products produced by you during the period 1960 to 1990:
  - a. The nature of each "waste" (as the term "waste" is defined in paragraph 6 of the definitions attached hereto) used including its chemical content, characteristics and physical state (i.e., liquid, solid, gas, or in the form of contaminated rags, cups, containers). Provide chemical analyses and Material Safety Data Sheets ("MSDS"). If these analyses are not available for the period 1960 through 1990, submit analyses for the time period closest to these dates and describe, in detail, any changes in the process (es) in which these wastes were produced that would affect the chemical analyses;

- b. The annual quantity of each "waste" used or generated;
  - c. The process (es) in which each "waste" was used or the process (es) that generated each;
  - d. The types of containers used to treat, store or dispose of each "waste"; and
  - e. The method of treatment and/or disposal of each "waste."
3. Provide the names, titles, areas of responsibility, addresses and telephone numbers of all personnel during the period of 1960 to 1990 who may have:
- a. Disposed of or treated "waste" at the Site;
  - b. Arranged for the disposal or treatment of "waste" at the Site; and
  - c. Arranged for the transportation of "waste" to the Site (either directly or through transshipment points) for disposal or treatment.
4. Describe the methods used by you to dispose and/or treat "waste" during the period 1960 to 1990.
5. If your response to Question 4 includes the contracting of a hauler or transporter to transport and/or dispose of wastes, explain the arrangements for those transactions and provide documentation that confirms the nature of those transactions.
6. Did your activity make arrangements with any of the following companies: Robb Tyler, Inc., Herb Robertson, Modern Trash, Modern, Inc., North Point Trash Removal, Warren Parker Hauling, Refuse Disposal Inc., F.P.R. Bohager Company, Donald Siejack, Henry Siejack, Debris Disposal, Lawrence Jendras, Browning-Ferris Industries, Jerome Cross, Cross Efficient Trash Removal Service, Inc., F.A. Sauer & Son, and Modern Trashmoval, Inc. to transport and/or dispose of wastes?

If so, identify:

- a. The persons with whom you, or such other persons, made such arrangements;
- b. Every date on which such arrangements took place;
- c. For each transaction, the nature and quantity of the "waste" including the chemical content, characteristics, physical state (i.e., liquid, solid), and the process for which the substance was used or the process that generated the substance;
- d. Precise locations at which each "waste" was disposed or treated;

- e. The persons who selected the Site as the place at which "waste" was disposed or treated;
  - f. The final disposition of each of the "wastes" involved in such transactions; and
  - g. The names of employees, officers, owners and agents for each transporter.
7. For each and every instance in which your activity arranged for disposal or treatment of "waste" at the Site identify:
- a. The characteristics, physical state (i.e., liquid, solid) and chemical composition of each "waste";
  - b. The persons who supplied you with "waste" material disposed or otherwise handled by you;
  - c. How such "wastes" were used, treated, transported, disposed or otherwise handled by you;
  - d. When and where such "wastes" were used, treated, transported, disposed or otherwise handled by you;
  - e. The quantity (number of loads, gallons, drums) of the "wastes" which were used, treated, transported, disposed or otherwise handled by you; and
  - f. Any billing information and documents (invoices, trip tickets, manifests) in your possession regarding arrangements made with your activity to generate, treat, store, transport or dispose of "wastes" at the Site.
8. Provide the names, titles and areas of responsibility of any persons, including all present and former employees, who may be knowledgeable of your waste disposal practices, whether or not involving disposal at the Site, during the period 1960 to 1990. Include current addresses and dates of birth for former employees.
9. Describe any permits or applications and any correspondence between you and any regulatory agencies regarding "wastes" transported to or disposed of at the Site.
10. Provide copies of any correspondence between you and any third party regarding "wastes" transported to or disposed of at the Site.
11. Provide the identity of, and copies of any documents relating to, any other person who generated, treated, stored, transported or disposed, or who arranged for the treatment, storage, disposal or transportation of such "wastes" to the Site.
12. Provide the identities of all predecessors in interest who, during the period 1960 to present, transported to, stored, treated or otherwise disposed of any "wastes" at the Site

and describe in detail the nature of your predecessor in interest's business. Describe all changes in ownership from 1960 to the present, including the date of the ownership change and identify the type of change (i.e., asset purchase, corporate merger, consolidation, and name change). Provide a copy of each asset purchase and merger agreement.

13. Provide the name, title, address, and telephone number of the person answering these questions on behalf of the respondent.
14. For each question, provide the name, title, area of responsibility, current address and telephone number of all persons consulted in the preparation of the answers.
15. If you have reason to believe that there may be persons able to provide more detailed or complete responses to any question contained herein or who may be able to provide additional responsive documents, provide the names, titles, areas of responsibility, current addresses, and telephone numbers of such persons and describe the additional information or documents they may have.
16. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then provide the names, titles, areas of responsibility, current addresses and telephone numbers of the persons from whom such information or documents may be obtained.
17. If you have any information about other parties who may have information which may assist the Agency in its investigation of the Site or who may be responsible for the generation of, transportation to or release of contamination at the Site, please provide such information. The information you provide in response to this request should include each party's name, address, type of business and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

You must respond in writing to this required submission of information within **thirty (30)** calendar days of your receipt of this letter.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

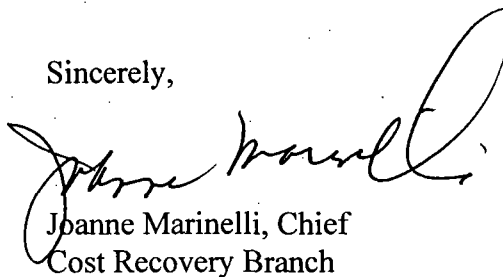
All documents and information should be sent to:

Ms. Joan Martin Banks (3HS62)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

If you have any PRP Search questions concerning this matter, please contact Civil Investigator Joan Martin Banks at (215) 814-3156. If you have any legal questions, please contact Assistant Regional Counsel Cynthia Nadolski of EPA's Office of Regional Counsel at (215) 814-2673.

Sincerely,



Joanne Marinelli, Chief  
Cost Recovery Branch

- Enclosures:
1. Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees
  2. Definitions
  3. List of Contractors That May Review Your Response
  4. Site Location Map

cc: Cynthia Nadolski, Esq., (3RC43)  
Nick Tymchenko (3HS22)  
James Carroll, MDE

## **Enclosure 1**

### **Business Confidentiality Claims**

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

### **Disclosure of Your Response to EPA Contractors and Grantees**

EPA may contract with one or more independent contracting firms (See "Enclosure B") to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), and EPA's regulations at 40 C.F.R. § 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure B, you must notify EPA in writing at the time you submit such documents.

## Enclosure 2

### Definitions

1. The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
2. The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
3. The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 of the U.S. Code, (b) any element, compound, mixture, solution, or substance designated pursuant to Section 9602 of CERCLA, (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (42 U.S.C. § 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq., has been suspended by Act of Congress), (d) any toxic pollutant listed under Section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act, 42 U.S.C. § 7412, and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to Section 2606 of Title 15 of the U.S. Code. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
4. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral



abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

5. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq., if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act, 42 U.S.C. § 2210, or, for the purposes of Section 9604 of CERCLA or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under 42 U.S.C. §§ 7912(a)(1) and 7942(a) and (d) the normal application of fertilizer.
6. The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
7. The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

### Enclosure 3

[rev. 10/2011]

#### List of Contractors That May Review Your Response

**Emergint Technologies, Inc.**  
Contract # EP-W-11-025

**Booz-Allen & Hamilton**  
Contract # GS-35F-0306J (GSA Schedule)

**CDM-Federal Programs Corporation**  
Contract # EP-S3-07-06  
Subcontractors: L. Robert Kimball & Associates Inc.  
Page Technologies Inc.  
Avatar Environmental LLC  
Terradon Corporation

**Chenega Global Services, LLC**  
Contract #EP-S3-09-02

**EA Engineering, Science and Technology, Inc.**  
Contract #EP-S3-07-07  
Subcontractor: URS

**Eisenstein Malanchuck, LLP**  
Contract #EP-W-07-079  
Subcontractors: R. M. Fields International, LLC  
James C. Hermann & Associated  
MacRae & Company, Inc.

**Guardian Environmental Services**  
Contract # EP-S3-07-02  
Subcontractor: Aerotech, Inc.  
Guardian Equipment

**Hydrogeologic (HGL)**  
Contract #EP-S3-07-05  
Subcontractor: CH2MHill  
Sullivan International

**Kemron**  
Contract # EP-S3-07-03  
Subcontractor: Clean Venture/Cycle Chem Inc.  
CMC Inc.  
Los Alamos Technical Assoc., Inc.

**Carlucci Construction**

**Weston Solutions**  
Contract #EP-S3-1005

**Tech Law, Inc.**  
Contract #EP-S3-1004

**Tetra Tech NUS, Inc.**  
Contract #EP-S3-07-04


**WRS Infrastructure & Environment, Inc.**  
Contracts # EP-S3-07-01 and #EP-S3-07-09  
Subcontractors: AEG Environmental  
Environmental Staffing  
Veolia Environmental Services  
Lewis Environmental Group

**Industrial Economics, Inc.**  
Contract # EP-W-06-092

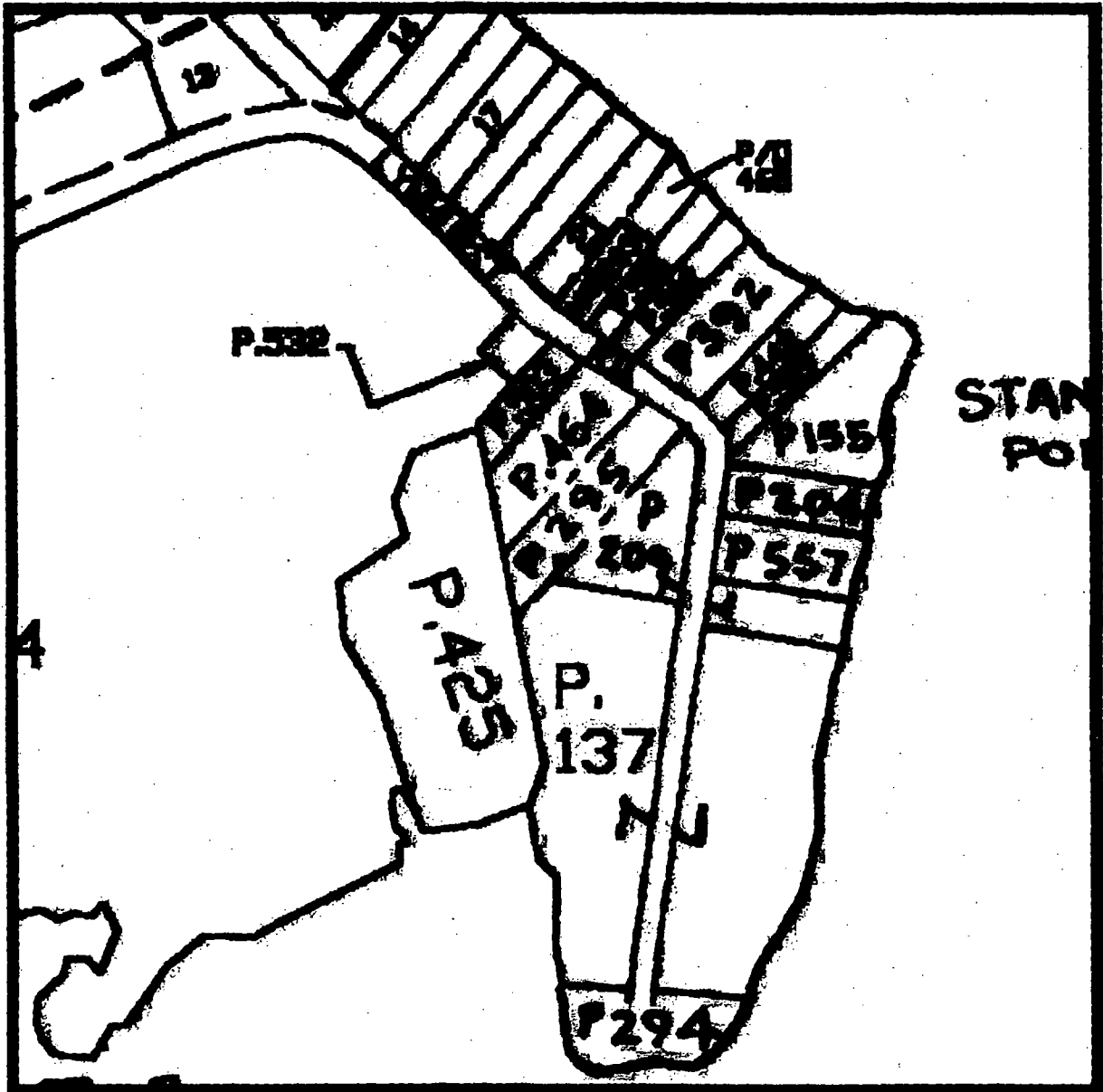
#### Cooperative Agreements

**National Association of Hispanic Elderly**  
CA# Q83424401  
CA # ARRA 2Q8343730-01

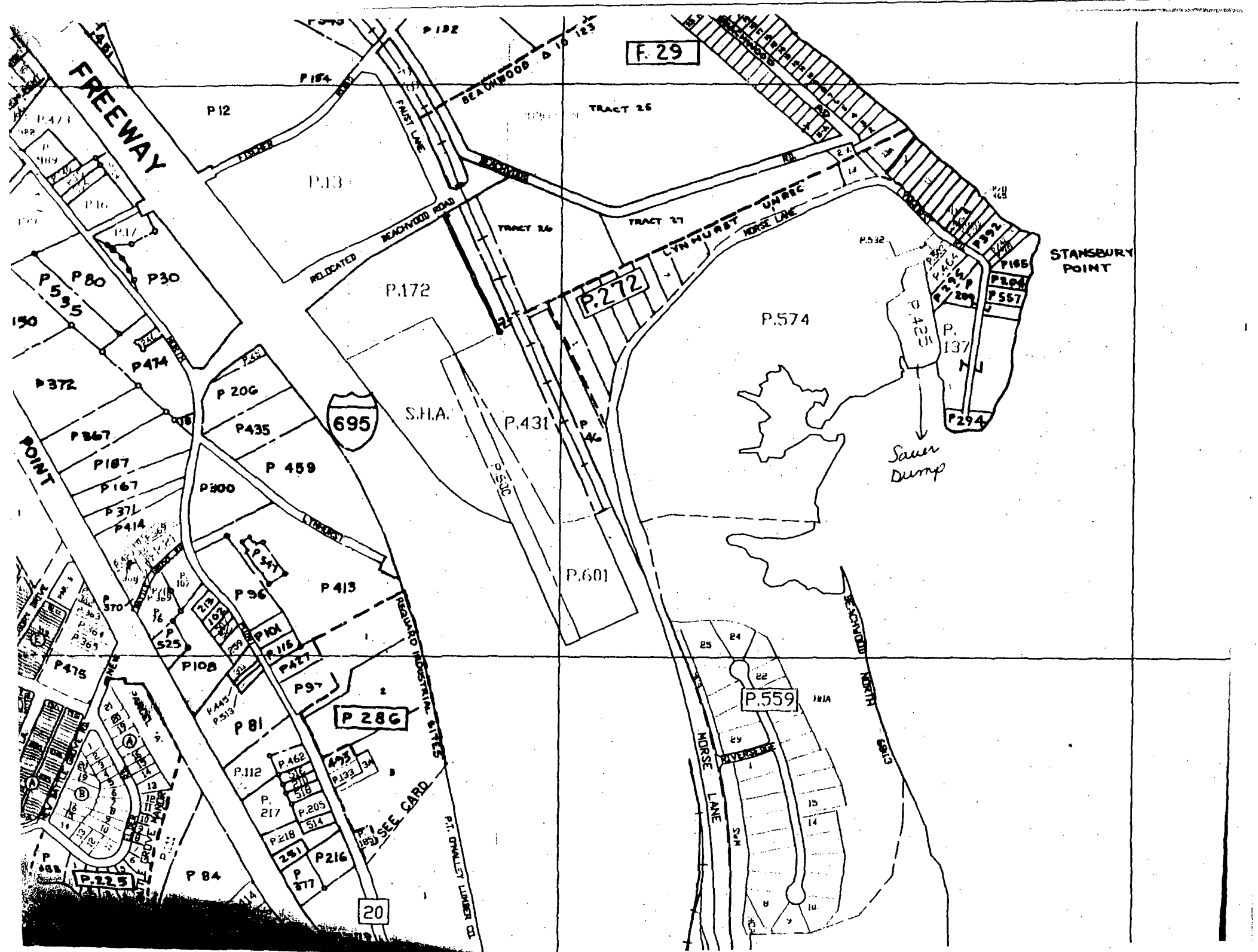
**National Older Workers Career Center**  
CA# CQ-833987

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